

REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In response to the Restriction Requirement, Applicants hereby elect the claims of Group II (including claims 11, 31, 32, 34, and 36-43), drawn to antibodies which specifically bind to polypeptides of the invention, compositions comprising the antibodies, and methods of making the antibodies, with traverse.

Claims directed to methods of using the claimed antibodies for detecting a polypeptide of the invention (i.e., claim 44), and for purifying a polypeptide of the invention (i.e., claim 45), could and should be examined together with the product claims from which they depend, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Applicants presume these method claims will be rejoined, upon determining allowability of the product claims from which they depend.

It is also submitted that claim 1, drawn to polypeptides of the invention, could be examined along with the antibody claims without undue burden on the Examiner. A search for prior art to determine the novelty of the antibodies would substantially overlap with a search of the prior art to determine the novelty of the polypeptides specifically bound by the antibodies.

Applicants reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 621-8581.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,
INCYTE CORPORATION

Date: June 2, 2005

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Limited Recognition (37 C.F.R. § 10.9(b)) attached
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph immediately following the title has been amended as follows:

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This application is a divisional application of U.S. application Ser. No. 09/299,689, filed April 26, 1999, and issued on April 30, 2002 as U.S. Patent No. 6,379,913, entitled [NOVEL] HUMAN SERINE CARBOXYPEPTIDASE, which is a divisional application of U.S. application Ser. No. 08/828,488, filed March 31, 1997, and issued on July 20, 1999 as U.S. Patent No. 5,925,521, entitled HUMAN SERINE CARBOXYPEPTIDASE. Both of these applications are hereby expressly incorporated by reference herein.

IN THE CLAIMS

Claims 12, 30, 33, 35, and 56 have been canceled, without prejudice or disclaimer.

Claims 11 and 34 have been amended as follows:

11. (Once Amended) An isolated antibody which specifically binds to a polypeptide selected from the group consisting of:

- a) a polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:5,
- b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to an amino acid sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:5, wherein the polypeptide has carboxypeptidase activity,

c) a fragment of a polypeptide having an amino acid sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:5, wherein [said] the fragment has carboxypeptidase activity, and

d) an immunogenic fragment comprising at least 15 contiguous amino acid residues of a polypeptide having an amino acid sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:5.

34. (Once Amended) A composition of claim 32, [wherein the antibody is labeled] further comprising a label.

New claims 62-66 have been added as follows:

62. (New) An isolated antibody which specifically binds to a polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:5.

63. (New) An isolated antibody of claim 62, which specifically binds to a polypeptide comprising the amino acid sequence of SEQ ID NO:1.

64. (New) An isolated antibody of claim 62, which specifically binds to a polypeptide comprising the amino acid sequence of SEQ ID NO:3.

65. (New) An isolated antibody of claim 11 which specifically binds to a polypeptide selected from the group consisting of:

- a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1, and
- b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:1, wherein the polypeptide has carboxypeptidase activity.

66. (New) An isolated antibody of claim 11 which specifically binds to a polypeptide selected from the group consisting of:

- a) a polypeptide comprising the amino acid sequence of SEQ ID NO:3, and
- b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:3, wherein the polypeptide has carboxypeptidase activity.